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Report to the Chairman, Subcommittee on Superfund and Environmental Oversight, Committee on Environment and Public Works, U.S. Senate

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November 1988

SUPERFUND

Missed Statutory Deadlines Slow Progress in Environmental Programs

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November 29, 1988

The Honorable Frank R. Lautenberg
Chairman, Subcommittee on Superfund
and Environmental Oversight
Committee on Environment and Public
Works
United States Senate

Dear Mr. Chairman:

As requested in your August 12, 1987, letter and in subsequent discussions with your office, we have examined compliance with deadlines in the Superfund Amendments and Reauthorization Act of 1986 (SARA). Specifically, this report catalogs the deadlines in SARA from date of enactment through December 31, 1991, and provides information on compliance with deadlines that occur through March 31, 1989. It contains recommendations aimed at the improved oversight and timely implementation of SARA's deadlines.

Unless you publicly release its contents earlier, we will not make this report available to other interested parties until 30 days from the date of this letter. At that time copies of the report will be sent to the appropriate congressional committees; the Administrator, Environmental Protection Agency; the Director, Office of Management and Budget; and officials of other agencies involved in implementing SARA. We will also make copies available to others upon request.

This work was performed under the general direction of Hugh J. Wessinger, Senior Associate Director. Major contributors are listed in appendix II.

Sincerely yours,

J. Dexter Peach

J. Dexter Peach
Assistant Comptroller General

Executive Summary

Purpose

The Superfund Amendments and Reauthorization Act of 1986 (SARA) dramatically expanded the nation's commitment to clean up hazardous waste sites across the country and established other key environmental programs. To underscore the importance the Congress placed on the timely implementation of SARA's provisions, it specified numerous deadlines in the law for achieving many of the act's requirements.

Because comprehensive information on compliance with the deadlines did not exist, the Chairman, Subcommittee on Superfund and Environmental Oversight, Senate Committee on Environment and Public Works, asked GAO to (1) catalog the directives for which deadlines were specified and the responsible entities and (2) determine the extent of compliance with past deadlines and the likelihood of compliance with deadlines in the near future—through March 31, 1989.

Background

In 1980, the Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, known as Superfund, which established a program at the Environmental Protection Agency (EPA) for cleaning up the nation's worst hazardous waste sites. SARA extends Superfund through 1991, provides an additional $8.5 billion in cleanup funds, and amends, in titles I and II, the existing hazardous waste laws. In three other titles, SARA creates three new environmental laws: title III, the Emergency Planning and Community Right-to-Know Act; title IV, the Radon Gas and Indoor Air Quality Research Act; and title V, the Superfund Revenue Act.

Results in Brief

EPA is subject to over half of SARA's 150 deadlines. SARA also sets deadlines for 19 other federal agencies, all states, thousands of local community groups, and over a million business facilities. The deadlines apply to requirements as diverse and important as the issuance of a report by EPA on its national assessment of radon gas to reporting by businesses on releases of toxic chemicals into the environment.

EPA and others subject to SARA's deadlines will meet only about half of the 87 deadlines occurring through March 31, 1989. Missed deadlines reflect failure to respond to congressional priorities. Additionally, missing some deadlines, such as one to amend the criteria EPA uses to determine if sites are eligible for Superfund cleanup, may have serious consequences, including placing human health in jeopardy through needlessly prolonged exposure to hazardous substances.

EPA recently established a central data base of its deadlines in all environmental laws to enable timely response to congressional inquiries. However, EPA is not using the data base to promote greater adherence to deadlines. EPA's Administrator does not receive regular reports from the data base on the achievement of deadlines and reasons for missed deadlines. Preparation of such reports with follow-up by the Administrator could improve compliance and be used to provide information to the Congress on SARA's implementation.

Principal Findings

SARA Contains 150 Deadlines

Deadlines occur in all five titles of SARA. Over half (78 of 150) apply to EPA, either alone or together with other federal agencies. Ten agencies have specified deadlines in the law, and 20 agencies in total are subject to deadlines because they receive Superfund dollars or have contaminated property. Five deadlines impose requirements on states, 8 on localities, and 11 on businesses that handle hazardous materials.

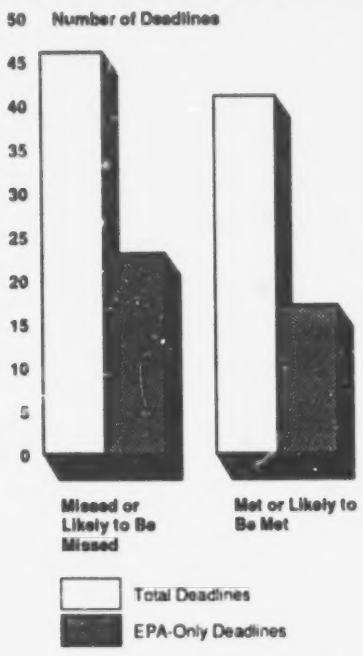
Compliance With SARA Deadlines

GAO found that about half of the 87 deadlines occurring between enactment of SARA and March 31, 1989, have been met or will likely be met (see fig. 1). EPA, for example, met several deadlines related to the emergency planning and community right-to-know program and a deadline to complete preliminary assessments of contamination at over 25,000 potential hazardous waste sites. The Departments of Defense and the Interior are also among the entities that completed mandated tasks on time.

However, of 62 deadlines occurring by September 15, 1988, 35 were missed. Five deadlines were missed by 10 days or fewer, while 30 were missed by a month or longer, including 19 that were missed by 6 months to a year and 3 that were more than a year late. It is likely that about half of the remaining deadlines GAO looked at will also be missed. As a result, implementing the environmental programs in SARA, including cleanup of contaminated sites that may threaten human health and the environment, may take longer than the Congress intended, as the following examples illustrate:

- EPA missed deadlines to revise the National Contingency Plan, which contains EPA's Superfund policy, and the Hazard Ranking System, which

Figure 1: Compliance With SARA Deadlines Through March 31, 1989



is the criteria it uses to prioritize sites for Superfund cleanup. Both were due April 17, 1988, but have been delayed by a lengthy technical review process. SARA sets October 17, 1988, as the date EPA must begin using the new criteria. However, EPA officials say the revised criteria will not take effect before spring 1989. In the interim, EPA is continuing to rank sites using criteria that are less protective of human health than SARA requires.

- EPA will not meet a January 1, 1989, deadline goal to complete site inspections for thousands of hazardous waste sites. EPA program officials told GAO this goal is unrealistic. Because the site inspections will not be completed on time, SARA's deadline for deciding whether the sites are eligible for Superfund cleanup will also be missed.
- Industry compliance with the emergency planning and community right-to-know deadlines is low—well below 50 percent in some states. Best estimates are that it will take several years to bring all potentially regulated business facilities into compliance.

Oversight of SARA Deadlines

EPA has taken some steps to help others to implement SARA. For example, it established a task force to monitor compliance by the 18 federal agencies with contaminated property. However, EPA does not have a formal internal control system to ensure that EPA meets its own SARA deadlines. When GAO began its work, EPA did not know how many deadlines were in SARA or what progress had been made to meet them. Program managers frequently cited staffing and funding constraints as one of the reasons why deadlines were missed.

To respond to congressional inquiries on achieving deadlines, in May 1988 EPA established a data base of the approximately 800 deadlines imposed on EPA by all environmental laws. However, the data base does not include the reasons deadlines were or will be missed and will not produce regular reports to the Administrator. EPA's annual report to the Congress on Superfund's implementation, which itself is overdue, also will not indicate whether all deadlines have been met.

In view of the many SARA deadlines missed in the past, better internal control, including closer monitoring by top agency management, is needed. Regular reporting on deadlines, with explanations for slippages, could promote compliance by focusing agency attention on deadlines and emphasizing management's commitment to compliance. In addition, including information from the data base in EPA's annual congressional reporting would more fully inform the Congress on the progress being made to achieve SARA's deadlines.

Recommendations

To promote timely implementation of future requirements in SARA, GAO recommends that EPA's data base include reasons for missing deadlines and that the data base information be regularly reported to the Administrator, EPA, and the Congress (see ch. 3).

Agency Comments

GAO discussed the information in this report with officials of EPA and other agencies subject to SARA deadlines. Their comments were incorporated where appropriate. As requested, however, GAO did not obtain official agency comments on a draft of this report.

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Abbreviations

ATSDR	Agency for Toxic Substances and Disease Registry
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
EPA	Environmental Protection Agency
GAO	General Accounting Office
HHS	Department of Health and Human Services
HRS	Hazard Ranking System
LEPC	local emergency planning committee
MSDS	material safety data sheet
NIEHS	National Institute of Environmental Health Sciences
NPL	national priorities list
OSHA	Occupational Safety and Health Act
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendments and Reauthorization Act
SERC	state emergency response commission

Chapter 1

Introduction

The Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), commonly known as Superfund, to clean up the nation's hazardous waste sites. On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 (SARA). This diverse piece of environmental legislation reauthorized and enlarged Superfund, dramatically expanding the nation's commitment to clean up contaminated sites across the country.

To underscore the importance the Congress placed on the timely implementation of SARA's provisions, it specified deadlines in the law for complying with numerous statutory requirements. Concern about the status of compliance with these deadlines prompted the Chairman, Subcommittee on Superfund and Environmental Oversight, Senate Committee on Environment and Public Works, to ask us to (1) examine the deadlines in SARA that have passed and determine the dates they were achieved and (2) review upcoming deadlines and assess the likelihood that they would be met.

Background

The Environmental Protection Agency (EPA) has identified over 29,000 sites where hazardous substances may have been stored, treated, or disposed in the past and where releases of hazardous substances are known, suspected, or likely to occur. EPA stores information on these sites in a data base known as the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). From that data base, EPA, in consultation with states, developed the national priorities list (NPL) composed of sites deemed to pose the greatest risk to public health and the environment. As of July 31, 1988, there were 1,177 sites included on, or proposed for, the NPL.

The 1980 Superfund created a 5-year, $1.6-billion hazardous waste cleanup fund and directed EPA to clean up the nation's worst hazardous waste sites. Assessing CERCLIS sites for possible listing on the NPL and cleaning up the sites on the NPL are the major aims of Superfund. SARA reauthorized Superfund for 5 more years and increased the fund by $8.5 billion. In addition to amending existing environmental laws for the cleanup of hazardous substances, SARA also created three new laws.

For the most part, SARA title I provisions amend CERCLA. In addition to reauthorizing Superfund, title I establishes a schedule with deadline goals for EPA to assess CERCLIS sites for possible listing on the NPL and mandatory deadlines for EPA to commence cleanup activities at listed

sites. Title I also provides, among other things, additional cleanup standards, provisions for participation by states and citizens in cleanup decisions, and new enforcement authorities.

Title II provisions address a number of environmental issues, including pollution insurance, leaking underground storage tanks, the transport of hazardous materials, environmental restoration, research and development of cleanup technologies, and oversight and reporting. This title amends CERCLA, the Solid Waste Disposal Act, and the statute regulating the Defense Department's Environmental Restoration Program.[1]

The Emergency Planning and Community Right-to-Know Act of 1986, SARA title III, is an independent law. It calls for the establishment of state commissions, planning districts, and local committees to coordinate and develop emergency response and preparedness capabilities; reporting to community groups by manufacturers, importers, and others that handle hazardous substances; and the creation of a national inventory of toxic chemical releases accessible to the public by computer and other means.

Title IV, the Radon Gas and Indoor Air Quality Research Act of 1986, also an independent law, establishes a federal research program and mandates developing, reporting, and disseminating information on radon and indoor air quality issues.[2]

Title V, the Superfund Revenue Act of 1986, is the third independent law created by SARA. In a series of amendments to the Internal Revenue Code of 1986, this law, among other things, establishes the Hazardous Substance Superfund and its revenue sources. This fund replaced the Hazardous Substance Response Trust Fund that funded CERCLA activities.

The specific mandates in SARA, including those with deadlines, impose requirements on numerous entities. In addition to EPA, several other federal agencies, state and local governments, and owners and operators of private sector business facilities handling hazardous materials are subject to deadlines in SARA. Each deadline sets a time by which a prescribed action—such as inspecting potential hazardous waste sites,

[1]The Environmental Restoration Program is the Department of Defense's program for addressing contaminated Defense facilities. It is authorized under 10 U.S.C. 2701 et seq.

[2]Radon is a colorless, odorless gas formed by the decay of radium and uranium. Radon produces radioactive products that can be inhaled into the lungs and can eventually cause cancer.

conducting an audit or study, or issuing a report, guidance, or regulation—must be completed.[3] Moreover, each compliance deadline may require an action by one agency, multiple agencies, every state, or every business facility handling regulated hazardous materials.

EPA has established mechanisms to assist and coordinate other entities' compliance with SARA requirements. For two SARA issues—contamination on federally owned property and audits of the use of Superfund dollars—the law sets criteria for determining which federal entities are subject to the deadlines, rather than specifying by name the entities that must comply. EPA set up the Federal Facilities Compliance Task Force in its Office of Waste Programs Enforcement to monitor compliance with environmental laws by federal entities, including those with potentially contaminated property subject to SARA. EPA's Office of Inspector General set up a work group that coordinates the annual audit requirements imposed by SARA on federal entities that receive Superfund dollars. EPA also provides a grant to the National Governors' Association to assist and monitor states' efforts to implement title III.[4] In addition, EPA conducts outreach efforts to industry to inform it of the title III requirements imposed on business facilities.

Objectives, Scope, and Methodology

By letter dated August 12, 1987, the Chairman, Subcommittee on Superfund and Environmental Oversight, Senate Committee on Environment and Public Works, requested that we review compliance with deadlines in the Superfund law. In subsequent discussions with the Chairman's office, we were specifically asked to

- identify and catalog the compliance deadlines in SARA from date of enactment through December 31, 1991, and
- determine the extent of compliance with the deadlines that had passed and the likelihood of compliance with deadlines in the near future—through March 31, 1989.

[3]Two dates that we include as deadlines are stated as goals of the act. SARA sets goals for EPA to complete preliminary assessments (January 1988) and site inspections (January 1989) for the approximately 25,000 sites that were in CERCLIS at the time SARA was enacted.

[4]The National Governors' Association represents the governors of the 50 states, the commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of the Virgin Islands, Guam, and American Samoa.

We performed our work primarily at EPA's headquarters office in Washington, D.C. Work was also performed at the Agency for Toxic Substances and Disease Registry (ATSDR)[5] in Atlanta, Georgia, which is subject to deadlines on health-related mandates, and at the Departments of Defense, Energy, Health and Human Services (HHS),[6] Interior, Labor, Transportation, and the Treasury and GAO, which are each subject to one or more deadlines in the law. We primarily used telephone interviews to gather information from agencies other than ATSDR, Defense, EPA, GAO, and Treasury, where we interviewed officials in person.

We also met with officials of Washington-based associations representing state governments and regulated business facilities that are assisting their members' efforts to comply with SARA requirements.

To identify and catalog the compliance deadlines in SARA, we reviewed the act and its legislative history to identify tasks for which the law specifies compliance deadlines and the entity (EPA, states, etc.) responsible for carrying out the tasks. To determine which agencies were designated by the President to perform the tasks assigned to the President in the law, we reviewed Executive Order 12580, which delegates presidential authority within the executive branch for Superfund. To determine the specific organizational responsibilities for compliance within EPA, we met with various program officials in EPA's Office of Solid Waste and Emergency Response who are charged with carrying out most of EPA's Superfund responsibilities and the Office of the Inspector General.

To determine compliance with deadlines that have passed, we reviewed the information and subsequent updates in the Superfund Docket, the Resource Conservation and Recovery Act (RCRA) Docket, and the Underground Storage Tank Docket.[7] To determine the status of efforts to comply with missed deadlines and the status of compliance efforts for meeting deadlines that occur through March 31, 1989, we reviewed

[5]ATSDR, created by CERCLA to carry out Superfund health-related activities, was established within the Public Health Service of the Department of Health and Human Services.

[6]In addition to HHS deadlines imposed on ATSDR directly, the law also imposes a deadline on HHS that is being carried out by the National Institute of Environmental Health Sciences within the National Institutes of Health.

[7]Dockets are the official, legal files of rulemaking documents at EPA. RCRA amended the Solid Waste Disposal Act and, among other things, established the RCRA and Underground Storage Tank Dockets. SARA contains deadlines on both RCRA and underground storage tank issues.

(1) EPA's Federal Register Semiannual Regulatory Agenda, which provides information on the status of regulations that are under development, revision, and review, dating from October 1986 to April 1988; (2) fiscal years 1988 and 1989 Evaluation Activities List, which identifies the planned work being undertaken by EPA's Superfund Office in the Office of Solid Waste and Emergency Response; and (3) EPA's directive documenting its strategy to address the goals and deadlines for assessing CERCLIS sites. We relied on summary CERCLIS information provided to us by EPA officials. We did not verify the accuracy of the information contained in the CERCLIS data base.

We also met with EPA program officials and officials at other agencies with deadline responsibilities to (1) discuss the compliance actions they have taken or plan to take and obstacles or problems delaying or preventing compliance and (2) identify a contact point (name, program office, etc.) delegated compliance responsibility at the program level.

From these contact officials, we obtained documentation, such as Federal Register notices and regulations, issued reports, and guidance documents, to support past compliance and interim regulations, draft reports/guidance, program plans, and resource allocations to support the likelihood of future compliance. We reviewed each document to determine that the stated purpose, scope, and objective were generally consistent with the SARA mandate they address. In cases where we believed the documents did not support compliance, we discussed our findings with cognizant agency officials. We did not, however, analyze the content of documents to assess how well they met the stated purpose.

We obtained information concerning the status of compliance efforts from EPA on the 18 federal entities EPA has identified as having potentially contaminated property and the 10 entities EPA has identified as having received Superfund dollars. As noted earlier, SARA sets criteria to determine the entities subject to deadlines in those two issues. We did limited verification in the course of our discussions with Defense, Energy, and ATSDR.

To review compliance by states and localities, we met with the National Governors' Association to discuss the efforts the Association and its members are taking to implement SARA requirements. We obtained and reviewed summary information on compliance prepared by the National Governors' Association; summary information from EPA's Preparedness Staff in the Office of Solid Waste and Emergency Response, which is

responsible for implementing EPA's title III requirements; a January 1988 survey of EPA regional offices and selected states regarding title III implementation; May 1988 EPA testimony on title III implementation; and an EPA draft White Paper based in part on the regional office survey results.

To review compliance by regulated private sector business facilities, we met with EPA's Preparedness Staff, the National Governors' Association, and the Chemical Manufacturers Association, whose members are primarily companies with facilities subject to the SARA provisions. We interviewed EPA and the two associations concerning their efforts to disseminate information on industry requirements in the law and obtained applicable documentation from them. We did not directly contact states, localities, or regulated facilities.

Our work included a review of EPA's internal controls for monitoring agency progress in implementing SARA deadlines. We reviewed the EPA Administrator's 1986 and 1987 annual statements and reports required by the Federal Managers' Financial Integrity Act of 1982 to identify control weaknesses and actions taken or planned to resolve them.

Finally, for the purpose of compiling a catalog of SARA deadlines—appendix I of this report—our definition of deadlines included only those requirements for which we could assign a point in time based on our review of the law.[8] In addition, we made the following assumptions: 30 days equals 1 month and 1 month equals 30 days; the President's budget is submitted annually on February 15th; federal agencies include federal departments, agencies, and instrumentalities that meet the regulatory criteria; fiscal year 1987 is the first fiscal year to which SARA applies; and when SARA imposes an action, such as issuing a report or conducting an audit of a prior fiscal year's activities, September 30 of the following fiscal year is the deadline for completing the activity.

Our review was performed between November 1987 and August 1988, in accordance with generally accepted government audit standards. We discussed the matters contained in this report with officials from EPA, Defense, and HHS and incorporated their comments where appropriate.

[8]In addition to the deadlines included in our review, SARA contains many requirements to accomplish actions within certain time periods that are triggered by events that do not have deadlines specified in SARA. For example, SARA provides that a citizen may initiate a civil suit against anyone allegedly in violation of the Superfund law. That event would trigger the SARA requirement that EPA, the state of the alleged violation, and the alleged violator be given notice 60 days before court action begins. We did not include such deadlines in our review.

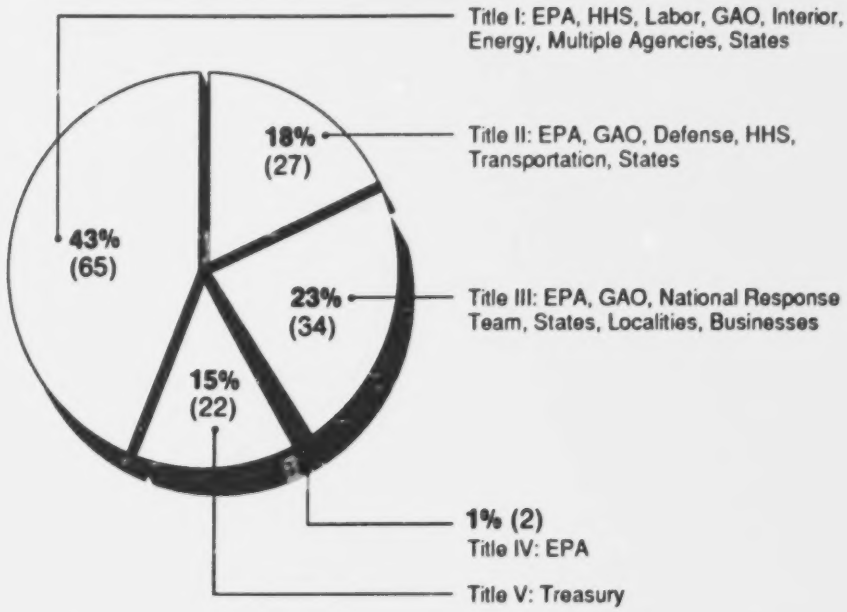
As requested by the Chairman's office, we did not obtain official agency comments on a draft of this report.

Chapter 2

Congressional Deadlines Set to Encourage Timely Cleanup

To ensure that SARA requirements would be fulfilled on a timely basis, the Congress set deadlines for many of its mandates. In total, we identified 150 deadlines in SARA's 5 titles. EPA is solely responsible for 59 deadlines in the law and jointly responsible, together with ATSDR, for 5 others. The law imposes 14 deadlines on nonspecified federal entities (including EPA) that either have contaminated property or receive Superfund dollars; 9 other federal entities are tasked with 48 specific deadlines. The law also imposes 5 deadlines on states, 8 deadlines on local community government groups, and 11 deadlines on private sector business facilities that handle hazardous substances.

Figure 2.1: 150 Deadlines in SARA


Title I: EPA, HHS, Labor, GAO, Interior, Energy, Multiple Agencies, States
18% (27)
Title II: EPA, GAO, Defense, HHS, Transportation, States
43% (65)
23% (34)
Title III: EPA, GAO, National Response Team, States, Localities, Businesses
15% (22)
1% (2)
Title IV: EPA
Title V: Treasury

The types of actions called for in the SARA deadlines are diverse and important. Generally, they include 42 deadlines to issue reports, 16 to issue regulations or procedures, 15 to initiate programs and reviews, 11 to conduct assessments and evaluations,[1] 20 to perform quarterly estimates of Superfund tax revenues, 24 to publish documents, and 22

[1]This includes nine requirements with deadlines and two stated as goals. For the purpose of this report, we counted the goals as deadlines.

deadlines to fulfill other miscellaneous tasks, such as forming committees and submitting forms.

More important, the actions called for in the deadlines have substance beyond "paper." For example, the deadlines establish schedules to start cleaning up existing NPL sites, to solicit and test new hazardous waste treatment technologies, and to provide timely information to the Congress on the extent of such national concerns as lead poisoning in children or radon in homes. If the deadlines are met, the public's exposure to hazardous contaminants may be minimized. If missed, that exposure may be prolonged.

Appendix I presents, in chronological order, a catalog of the 150 SARA deadlines. It provides for each a brief description of what the law requires and the entity or entities responsible for carrying out the deadline. It also includes information on the status of compliance with the first 87 deadlines, which is the topic of chapter 3.

Entities Subject to SARA Deadlines

The SARA deadlines impose requirements on various entities, including federal agencies, state and local government groups, and private sector business facilities. Table 2.1 lists in rank order the entities responsible for carrying out the SARA deadlines.

Table 2.1: Agencies/entities Subject to the Deadlines in SARA

Agency/entity	Number of deadlines
EPA	59
Treasury	22
Federal agencies (nonspecified)	14
Business facilities	11
HHS (ATSDR or NIEHS)[a]	10
Local government groups	8
EPA and ATSDR[b]	5
GAO	5
States	5
Defense	4
Labor	3
Energy	1
Interior	1
National Response Team[c]	1
Transportation	1
Total	**150**

[a]Within HHS, ATSDR is responsible for nine deadlines, and the National Institute of Environmental Health Sciences (NIEHS) is responsible for one.

[b]EPA and ATSDR share responsibility for these deadlines.

[c]The National Response Team, with representation from 14 federal agencies, is responsible for coordinating federal planning, preparedness, and response actions to hazardous substance releases.

EPA's deadline responsibilities include 59 deadlines that call for individual actions by EPA and 5 deadlines with EPA and ATSDR having joint responsibility. Also, the 14 deadlines for nonspecified federal agencies, which we refer to as multiple agency deadlines, include EPA in most instances. EPA deadlines cover a wide range of activities in titles I, II, III, and IV, ranging from issuing the implementing regulations for a new program to reporting to the Congress on program results.

Within EPA, these responsibilities are being carried out by the Offices of Solid Waste and Emergency Response, Research and Development, Pesticides and Toxic Substances, Inspector General, and Air and Radiation. EPA's regional offices and a field office are also tasked with carrying out SARA deadline responsibilities.

The 14 multiple agency deadlines include 10 that apply to federal entities that own property with hazardous substance contamination and 4 that apply to federal entities that receive Superfund dollars. The federal entities with contaminated property must, among other things, report to

the Congress annually on their progress in implementing Superfund at those facilities. According to EPA, currently 18 federal entities are subject to SARA deadlines because they own contaminated property: the Departments of Agriculture, Commerce, Defense, Energy, HHS, Housing and Urban Development, the Interior, Justice, Labor, Transportation, and Treasury; the Central Intelligence Agency; EPA; General Services Administration; the National Aeronautics and Space Administration; the Postal Service; the Tennessee Valley Authority; and the Veterans Administration.

Federal entities that receive Superfund dollars are subject to annual audit and reporting deadlines. Specifically, the inspector general at each agency, or a group with a similar audit function, must conduct an annual audit of all payments, obligations, reimbursements, or other uses of the fund during the preceding fiscal year. According to EPA's Office of Inspector General, the entities that currently may be subject to this requirement include the Departments of Energy, HHS, Interior, Justice, Labor, Transportation, and Treasury; EPA; the Federal Emergency Management Agency; and the Nuclear Regulatory Commission. EPA has set up a task force to coordinate these audits made up of representatives from agencies that have interagency agreements with EPA to carry out tasks using Superfund dollars.[2]

Besides federal entities, SARA also imposes deadlines on all states (5 deadlines), thousands of local governments (8 deadlines), and private sector business facilities nationwide (11 deadlines). EPA officials estimate that up to 1.5 million businesses are currently subject to title III deadlines and, as discussed in chapter 3, this number may climb to 4.5 million in the future. However, no one knows the actual universe of businesses subject to SARA title III.

Types of Actions Required in SARA

SARA deadlines impose a wide range of specified actions on the various entities. The deadlines apply to requirements as diverse as the issuance of a single report by a federal agency to the submission of a chemical release form by over a million businesses. The requirement to issue a report is the single most frequently prescribed action called for by the SARA deadlines (42 deadlines). Table 2.2 illustrates the frequency with which SARA imposes deadlines on various prescribed actions.

[2]Entities receive money from Superfund to perform activities such as studies and health-related research. Superfund may not be used to clean up contamination on federal property. Federal entities must use their own funds for cleanup purposes.

Table 2.2: SARA Deadline Actions and Their Frequencies

Deadline action	Frequency
Initiate or conduct a program or review	15
Issue regulations or procedures	16
Issue a report	42
Publish a document[a]	24
Submit a form	9
Conduct site assessments or evaluations, or commence cleanup at NPL sites	11
Estimate taxes	20
Miscellaneous actions[b]	13
Total	**150**

[a]Documents include such items as published solicitations for innovative waste treatment technologies and plans for implementing a research program.

[b]Miscellaneous actions include such activities as establishing title III state commissions and planning districts and implementing regulations issued earlier.

Meeting a deadline, however, is more than merely "preparing a report," "submitting a form," or "issuing a regulation." The actions called for in the SARA deadlines are more than paperwork exercises. Rather, they reflect the Congress' concerns that the key environmental programs in SARA proceed expeditiously and succeed in protecting human health and the environment. For example, SARA sets deadlines for EPA to start cleanup activities at existing NPL sites; for ATSDR to report on the extent of lead poisoning in children, including methods available for reducing their exposure; for EPA to report on a national assessment of radon gas, including methods to reduce the threat; and for EPA to solicit, test, and evaluate innovative technologies to achieve permanent and significant reductions in hazardous waste. The consequence of missing any of these deadlines may well include needlessly prolonging the public's exposure to health-threatening hazardous contamination.

Sixty of the deadlines in SARA call for one-time actions, while 90 deadlines are recurring requirements. For example, EPA, in consultation with the Department of Transportation, has the one-time requirement to report on the results of a Transportation study looking at the problems of using a vehicle for purposes other than the transport of hazardous substances when that vehicle is used at other times to transport hazardous substances. EPA also has the one-time goal to conduct a preliminary assessment of each of the more than 25,000 sites that were in CERCLIS when SARA was enacted and a one-time requirement to assure that substantial and continuous cleanup commences at 200 NPL sites during one

24-month period. In addition, 16 deadlines call for setting up procedures or issuing regulations—also one-time actions.

Most of the one-time actions occur in the first 18 months after enactment, while the majority of later deadlines are recurring. Among the recurring actions is a requirement that ATSDR submit a biennial report on the results of health-related activities. Another 25 deadlines are for annual reporting requirements, and 20 deadlines are for quarterly tax estimates.

Deadlines Occur in All Five Titles

SARA contains deadlines on directives in each of its five titles. A majority of deadlines (92 of 150) occur in titles I and II, which relate primarily to Superfund cleanup and liability issues. The remaining 58 occur in titles III, IV, and V. Figure 2.2 shows the distribution of deadlines among the SARA titles and the number of deadlines in each imposed solely on EPA.

Title I

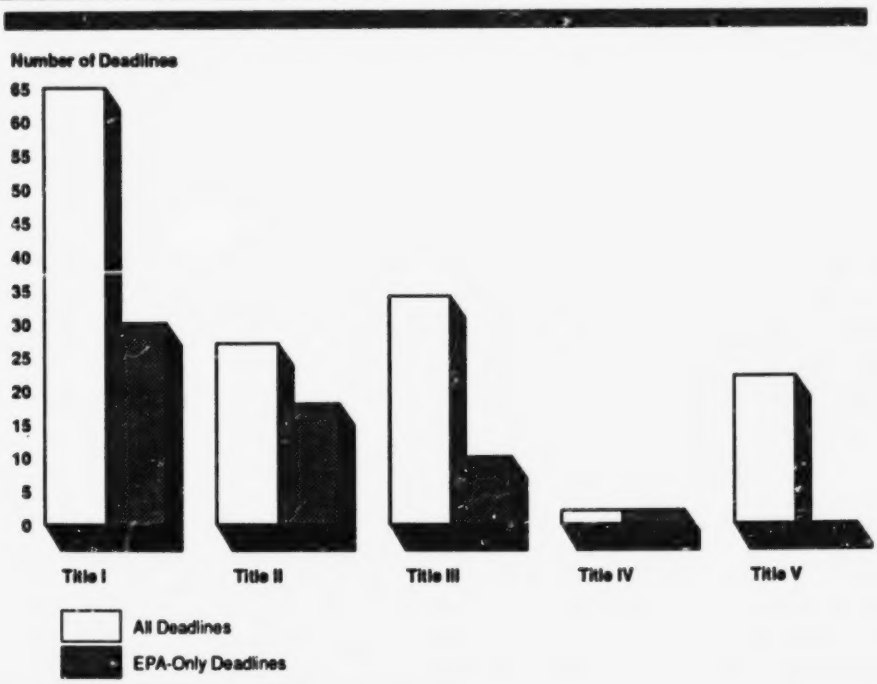
Title I contains the largest number of deadlines, 65 of 150, or 43 percent of the total. Title I amends Superfund; thus, the deadlines affect the timely cleanup of hazardous substances as well as the overall effectiveness of the nation's Superfund programs. In particular, the CERCLIS assessment and evaluation goals, as well as the deadlines to commence cleanup activities at NPL sites, occur in title I and are all imposed on EPA.

All but one of the title I deadline requirements are imposed on federal entities; one is imposed on states. EPA alone is subject to 29 of these deadlines, and ATSDR is tasked with 14 health-related deadlines (including 5 for which it shares responsibility with EPA). Other agencies that have one or more title I deadlines include the Department of Labor, regarding worker protection issues; the Department of Energy, regarding technology of hazardous substance spills; the Department of the Interior, regarding damages to natural resources; and GAO, regarding reporting on Superfund work force and cleanup contractor indemnification issues. In addition, the multiple agency deadlines occur in title I.

Title II

Title II, which covers a wide range of miscellaneous provisions related to hazardous substances, amends CERCLA, the Solid Waste Disposal Act, and the statute regulating Defense's Environmental Restoration Program. Eighteen percent of SARA deadlines, 27 of 150, are in title II and impose requirements on federal entities and, in one instance, on states. EPA is subject to 18 title II deadlines that address diverse areas such as

Figure 2.2: SARA Deadlines Occur Throughout the Law



Note: Treasury is responsible for all title V deadlines.

innovative cleanup technology, research and development, transport of hazardous substances, and Superfund implementation oversight reporting. Defense has four deadlines to report on progress in implementing its Environmental Restoration Program; GAO has two deadlines to study and report on pollution insurance issues; Transportation has one deadline to list and regulate as hazardous for transport all CERCLA hazardous substances; and HHS has one deadline to issue a plan for hazardous substance research. In addition, one deadline in title II requires states to inventory their underground petroleum and hazardous substances storage tanks.

Title III

Of the three new acts created by SARA, the Emergency Planning and Community Right-to-Know Act of 1986, title III, is the most complex. Its provisions impose requirements not only on federal entities but also on states, thousands of local communities, and over a million private sector business facilities, such as manufacturers, farms, and other businesses. Title III consists of two components, both with deadlines: emergency

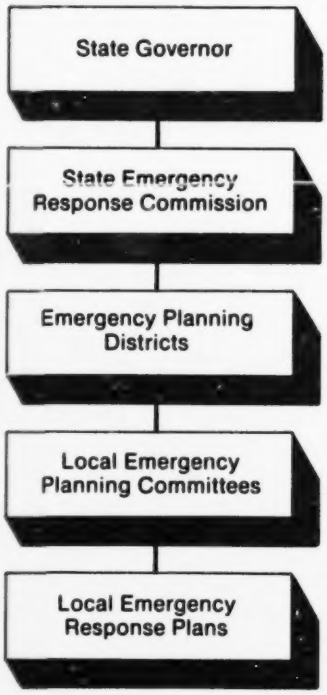
planning and notification and community right-to-know reporting requirements.

Of the 34 deadlines in title III, EPA is subject to 10. Nine of the 10 primarily establish the foundation for title III implementation, and 1 requires EPA to report on the results of a National Academy of Sciences study regarding state information on the totality of chemicals transported, produced, consumed, released, and disposed. In addition, the National Response Team has a deadline to publish guidance, and GAO has one to issue a report. The remaining 22 deadlines are imposed on states (3 deadlines), localities (8 deadlines), and regulated private sector business facilities (11 deadlines).

The emergency planning and notification deadlines apply to provisions for preparing for and responding to hazardous material emergencies at the state and local levels of government. The provisions require the governor of each state to appoint a state emergency response commission. The commission is then to designate emergency planning districts within the state and appoint members to a local emergency planning committee for each district. The committee oversees emergency planning and is responsible for developing and implementing an emergency response plan for dealing with the specific potential releases from businesses that handle hazardous materials within its district, including procedures for such actions as public notification and evacuation. Figure 2.3 illustrates the hierarchy of steps involved in implementing emergency planning requirements at the state and local levels.

The community right-to-know program in title III contains deadlines on provisions to increase public awareness of the presence and release of hazardous chemicals in local communities. Private sector business facilities are responsible for providing detailed information to state emergency response commissions and local emergency planning committees on the chemicals they use. This information identifies the chemical name and its characteristics, including known health effects; precautionary measures in handling, storage, and use; and actions to take in the event of a fire, explosion, or leak. In addition, businesses must, among other things, annually submit to EPA a form reporting chemical release information for the previous fiscal year. This information is to be compiled by EPA in a national chemical release data base, which is to be accessible to the public.

Figure 2.3: The Emergency Planning Process



Title IV

Title IV, the Radon Gas and Indoor Air Quality Research Act of 1986, contains two deadlines, both imposed on EPA, to develop information on radon and other indoor air quality issues. The potential effects of radon on human health are an emerging concern that has been the focus of recent nationwide attention. One deadline requires EPA to submit a plan to implement a radon and indoor air quality research program. The other requires it to provide the Congress with a status report on that research program. In addition to these two deadlines in title IV, the Congress also imposed six other radon-related deadlines on EPA in title I.

Title V

The Superfund Revenue Act of 1986, title V, imposes 22 deadlines on the Department of Treasury. Of these deadlines, 20 are recurring quarterly requirements to estimate the amount of taxes collected under

Superfund, one is a one-time action to review and report on the implementation of taxes imposed on imported substances, and one provides for final repayment of advances made to Superfund and the interest on those advances to the general fund of the Treasury in December 1991.

Summary

SARA's 150 mandated deadlines apply to 20 federal entities, all states, thousands of localities, and over a million business facilities. Although EPA is subject to more than half of the deadlines (78 of 150) either individually or in conjunction with other federal entities, 9 other federal entities are also subject to a total of 48 deadlines. In addition, states, localities, and business facilities have a tremendous nationwide undertaking to implement title III and comply with its deadlines.

Chapter 3

Half of SARA's Deadlines Not Being Met

Roughly half of the 87 deadlines we checked have been or are likely to be missed. Of the 62 deadlines that had passed as of September 15, 1988, 5 were missed by 10 or fewer days, while 30 were missed by 1 month or longer, including 19 that were 6 months to a year late and 3 that were more than a year late. Agency officials often attributed delays to inadequate resources--staffing and funding--given the deadlines and to SARA's technical complexity. While each missed deadline reflects the failure to comply with a priority set by the Congress, some missed deadlines have the potential to impede progress in critical environmental programs, such as cleaning up Superfund sites or developing federal radon initiatives.

When we began our review, EPA did not know how many deadlines were in SARA or what progress had been made to meet them. In May 1988, EPA established a central data base that contains the status of the approximately 800 deadlines that apply to EPA in all environmental laws, including SARA. EPA intends to update this data base annually. Its principal purpose is to enable EPA to respond more quickly to congressional requests for information.

We support EPA's effort to establish a data base but believe that it would be a more useful management tool if it (1) included the reasons deadlines were, or are expected to be, missed and (2) produced periodic reports on deadline progress for agency management. Identifying the reasons that delay deadline achievement would provide management more information to make decisions on what can be done to achieve future deadlines. Giving management a systematic method to monitor legislative deadlines should promote better compliance by focusing agency attention and emphasizing management's commitment. In addition, the data base could supply information for reporting on deadline achievement in EPA's annual reporting to the Congress.

Overview of Compliance With SARA Deadlines

Of the 87 deadlines that occurred or will occur between the enactment of SARA on October 17, 1986, and March 31, 1989, 75 apply to federal agencies (40 to EPA alone), and 12 apply to states, localities, or private sector businesses. Of these 87 deadlines, 62 had passed as of September 15, 1988, and an additional 25 occur by March 31, 1989.

Although many deadlines have been met and many deadline-related activities are proceeding on target, 35 of the 62 deadlines occurring before September 15, 1988, were not met. Five deadlines were missed by 10 days or fewer. However, 30 deadlines were more than a month late,

including 19 that were 6 months to a year late and 3 that were more than a year late. Also, it is likely that about half of the remaining 25 deadlines we examined will be missed. Appendix I of this report, which catalogs all 150 SARA deadlines, contains detailed information on the compliance status of the 87 deadlines that we examined.

Only About Half of SARA's Deadlines Met

Together, the federal and nonfederal entities responsible for compliance have met or are likely to meet 41 SARA deadlines occurring between October 17, 1986, and March 31, 1989 (see table 3.1). EPA, for example, met several deadlines to issue guidance and regulations establishing the foundation for the emergency planning and community right-to-know program, as well as the January 1, 1988, deadline goal to complete preliminary assessments of the seriousness of contamination at over 25,000 hazardous waste sites. EPA is on schedule in its program to support the research and demonstration of alternative and innovative waste treatment technologies. EPA and ATSDR, working together, have met a past deadline and are on target to meet a future deadline to identify the most hazardous substances found at Superfund sites.

Table 3.1: Compliance With SARA Deadlines Through March 31, 1989, by Responsible Agency/entity

Responsible agency/entity	Number of SARA deadlines Through 3/31/89	Met or likely to be met	Rate of compliance (percent)
EPA	40	17	43
Treasury	10	9	90
Federal agencies (nonspecified)	6	4	67
Business facilities	6	0	0[a]
HHS (ATSDR or NIEHS)	6	2	33
Local government groups	2	0	0[a]
EPA and ATSDR	2	2	100
GAO	3	2	67
States	4	1	25[a]
Defense	1	1	100
Labor	3	1	33
Energy	1	0	0
Interior	1	1	100
National Response Team	1	1	100
Transportation	1	0	0
Total	**87**	**41**	**47**

[a]Although none of the title III deadlines imposing requirements on states, local government groups, or business facilities were met by all those subject to the requirement, many individual states, local government groups, and businesses met deadlines.

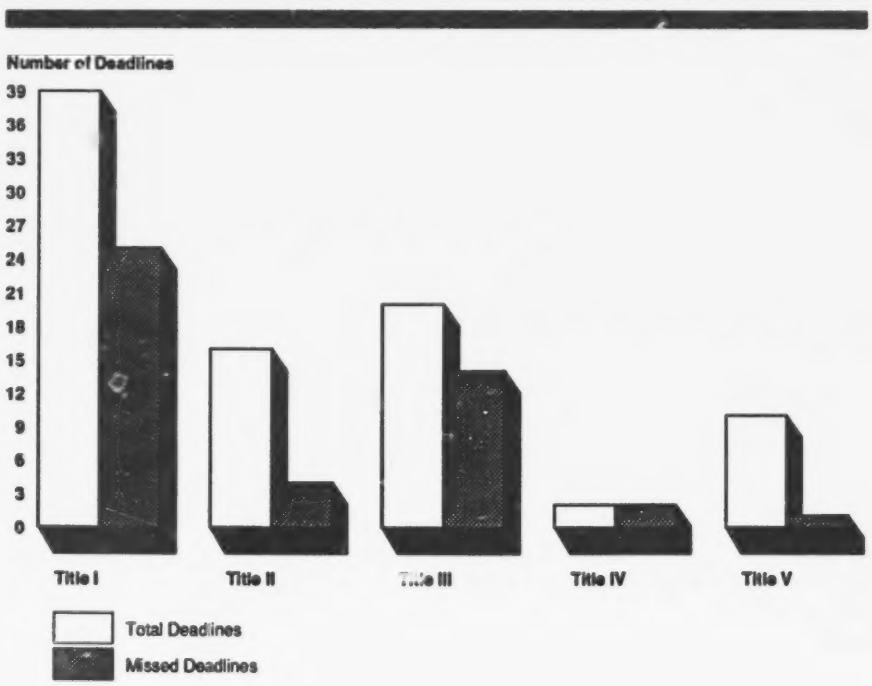
Many deadlines in SARA that place requirements on other federal agencies have also been met, some within very short time frames. For example, Labor issued interim standards for the health and safety protection of employees engaged in hazardous waste operations within 2 months after SARA passed; the National Response Team published guidance for preparing and implementing title III emergency plans within 5 months; and Interior issued regulations to assess natural resource damages from a hazardous substance release within 6 months. ATSDR (in conjunction with EPA), Defense, GAO, and Treasury each met one or more SARA deadlines for which they were responsible.

In addition, all states compiled and submitted on time inventories of underground storage tanks for petroleum and other hazardous substances, according to an environmental specialist in EPA's Office of Underground Storage Tanks. Also, most, but not all, states met title III deadlines to establish state emergency response commissions and local emergency planning districts.

Some Consequences of Missed Deadlines

Half of the deadlines we examined have been or will likely be missed—35 of the 62 past deadlines and 11 of the 25 deadlines in the near future. As shown in table 3.1, the expected rate of compliance with the first 87 deadlines in SARA is 47 percent. The deadlines that have been or are likely to be missed include 23 of 40 imposed on EPA, 12 of 35 on other federal agencies, 5 of 6 on states and localities, and all 6 deadlines imposed on business facilities. As figure 3.1 indicates, missed deadlines mandated in all five SARA titles are likely to occur.

Figure 3.1: Missed SARA Deadlines Through March 31, 1989, by Title



Missed deadlines reflect a failure to respond to congressional priorities. Moreover, some of the missed deadlines can slow down the progress in critical environmental programs and thus needlessly prolong the threat to human health and the environment. Of particular consequence are deadlines that directly affect Superfund cleanup. Examples of missed deadlines that may have potentially serious consequences include the following:

- Hazard Ranking System. EPA was required to amend the Hazard Ranking System (HRS) by April 17, 1988, to ensure that it accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The HRS contains the criteria EPA uses to determine if sites are eligible for Superfund cleanup. The revisions needed to meet this SARA requirement are substantial. The new criteria must take into account additional ranking factors that EPA's existing criteria do not consider—factors that are more protective of human health—such as the impact of hazardous contaminants on the food chain. According to EPA officials, the amended HRS has been delayed by a lengthy technical review process and, according to testimony by EPA's Assistant Administrator for Solid Waste and Emergency Response, is not expected to become effective until the second half of fiscal year 1989.[1] SARA specifies that EPA must begin using the new criteria for ranking sites by October 17, 1988. However, EPA plans to continue site rankings using the existing, less protective criteria, from the October date until the amended criteria take effect. In addition, EPA reports that some sites that received site evaluations earlier will be revisited and reevaluated using the new criteria once the revised HRS takes effect.
- National Contingency Plan. EPA was required to revise the National Contingency Plan to reflect the new requirements of SARA, by April 17, 1988. The Plan, which, among other things, sets forth the regulatory framework for Superfund cleanup and enforcement, has similarly been delayed by a lengthy technical review process, according to EPA officials. In EPA's 1986 report to the President, required by the Federal Managers' Financial Integrity Act, EPA cited the lack of adequate guidance to implement fully some of the major requirements of SARA as a material weakness. Revising the National Contingency Plan was one of several actions EPA identified to correct this weakness in its internal control system. In 1987 EPA reported to the President that this material weakness was corrected. However, EPA has not yet completed the corrective action of revising the National Contingency Plan. EPA officials now hope to issue the revised Plan in November 1988. Until that time, however, states and others, who use the Plan to guide their Superfund activities, are implementing Superfund without up-to-date guidance on SARA's provisions.
- Radon. EPA missed four deadlines relating to the identification, research, and mitigation of radon. These included deadlines to submit a plan to implement the radon research program created by title IV, two annual reports to the Congress on the status of the radon mitigation demonstration program, and a report to the Congress on the results of a national

[1]Statement before the Subcommittee on Investigations and Oversight, Committee on Energy and Commerce, U.S. House of Representatives, June 20, 1988.

assessment of radon gas. The plan and first annual report, each issued over 4 months late, and the national assessment (due October 1987) and the second annual report (due February 1988), each yet to be issued, were intended to be the cornerstone of congressional policy-making deliberations on this emerging issue. Also delayed was the information contained in those reports on such items as the effectiveness of air quality monitoring devices and radon mitigation methods to test for and alleviate radon contamination in homes, which was expected to be useful to the public. Officials cited heavy work loads and inadequate resources given to the deadlines as the causes of the delays.

- Annual Report. EPA is required to submit an annual report to the Congress on the progress achieved in implementing CERCLA, as amended, during the preceding fiscal year. The report is to include, among other things, a description of each feasibility study, the status of each cleanup and enforcement action taken, and estimates of the resources necessary for other federal entities to complete implementation of all their duties under the act. EPA expects to issue the report for fiscal 1987 in fall 1988, at least 9 months after the January 1, 1988, deadline stipulated in SARA. The program manager for the report attributed delays, in large part, to EPA's lack of oversight and central management of its and other agencies' Superfund progress. SARA directs the appropriate authorizing committees in the Congress to hold oversight hearings during the calendar year after receiving the report to ensure that the act is being implemented according to the purposes of the law and congressional intent. The report's delay will, at the very least, delay that congressional oversight. If the report had been completed by the stipulated deadline, the Congress would have had sufficient time to take any needed action during the fiscal year 1988 appropriations cycle.
- Site Inspections. The Congress set a deadline goal of January 1, 1989, for EPA to complete site inspections at all of the approximately 25,000 sites that were in CERCLIS when SARA was enacted and had preliminary assessments indicating that site inspections were needed. Although EPA reports that it met the January 1, 1988, deadline goal to complete the preliminary assessments at the sites in CERCLIS, it also reports that it will not complete site inspections by the deadline. According to EPA program officials, this goal is unrealistic, given the agency's current resources and work load. EPA reports that about 9,000 site inspections have been completed as of July 31, 1988. However, it is the information gathered in the site inspection that EPA assesses to determine whether a site is eligible for Superfund cleanup. Assessments for the remaining sites in CERCLIS cannot be done until their site inspections are completed. Therefore, EPA, in a February 12, 1988, internal directive on its preremedial

strategy for implementing SARA,[2] reported that it will also miss the October 17, 1990, SARA deadline to complete those assessments.

- ATSDR Deadlines. ATSDR has missed or is likely to miss 4 of 5 health-related deadlines we examined, including (1) a report to the Congress, due March 1, 1987, on the nature and extent of lead poisoning in children from environmental sources, issued 16 months late; (2) 2 sets of 25 toxicological profiles on the most hazardous substances commonly found at Superfund sites, the first completed 4 months after the October 1987 deadline and the second expected to be 2 months late; and (3) a report due to the Congress in October 1988 on ATSDR's health-related activities, including assessments, studies, tests, and profiles, which is expected to be 2 months late. ATSDR officials cite a series of management and technical reasons responsible for delaying the lead study and attribute all other delays to the lack of adequate resources. The officials pointed out that for the last few years ATSDR has received funding below the minimum authorized for it in SARA.

ATSDR was created by CERCLA to implement the health-related sections of Superfund. SARA considerably increased ATSDR's work load and responsibilities. The officials noted that resources (staffing and funding) being used to meet SARA deadlines are reprogrammed directly from resources for other Superfund-mandated health activities that do not have deadlines. While they acknowledged that ATSDR missed the deadlines we examined, the officials pointed out that it completed other SARA requirements on time. For example, they told us that ATSDR completed health assessments, within 1 year as required by SARA, for each of 60 sites that EPA proposed for listing on the NPL in January 1987.[3] They also expect ATSDR to complete assessments by June 1989 at the 229 sites that EPA proposed for listing in June 1988. Because of the seriousness of ATSDR's work—implementing the health-related mandates—delays in completing its mandated tasks may prolong human exposure to hazardous substances and delay further actions needed to evaluate and mitigate or prevent adverse effects on human health.

[2]Preremedial activities include identifying and listing sites in the CERCLIS inventory, conducting preliminary assessments and site inspections of sites in CERCLIS, assessing those sites for eligibility for Superfund cleanup by applying the HRS scoring criteria, and proposing and listing on the national priorities list those sites that scored above the listing threshold.

[3]Because SARA does not stipulate dates for EPA to propose sites to be added to the NPL, this requirement is not included as a deadline in our review.

Compliance With Some Deadlines in Title III Uncertain

EPA has put in place the foundation for emergency planning and community right-to-know program by issuing timely program guidance and regulations. Actions by state and local governments have also been progressing toward compliance, although some have not been completed on time. According to a National Governors' Association survey conducted between April 17 and May 1, 1987, 47 states had appointed a state emergency response commission (due April 17, 1987). Additionally, the Association reports that 49 states and 1 territory met the July 17, 1987, deadline to establish emergency planning districts. Also, while there were delays in establishing the local emergency planning committees, which SARA required by August 17, 1987, EPA reports that about 70 to 80 percent of the expected local emergency planning committees were functioning as of February 25, 1988, when the most recent data were available.

The local committees are required by October 17, 1988, to prepare an emergency plan identifying, among other things, the specific hazardous substance emergencies that may occur within their respective emergency planning districts and the steps to be taken in response to such emergencies. In recent testimony, EPA noted its concern over the quality of the plans in light of the short time allowed for their development and the apparent low compliance by businesses with requirements in the law to supply local committees with information needed for planning.

According to the National Governors' Association, the delays in compliance with title III deadlines by states and localities were most frequently attributable to "start up" problems, such as a lack of experience with the program and insufficient time for the state and local budget processes to authorize and appropriate funds for the new program.

The ultimate success of title III in achieving its goals of effective emergency planning and community awareness, however, will depend largely on industry compliance. EPA estimates that up to 1.5 million businesses should have complied with the May 17, 1987, deadline to notify their state emergency response commissions that they are subject to title III.[4] EPA's preliminary estimates, by state, of the percentage of businesses that have complied with the requirement range from a low of 5 percent to a high of 70 percent. On October 17, 1987, businesses that were required to have a material safety data sheet for a hazardous chemical

[4]SARA section 302 requires business facilities to notify state commissions that they have on hand any of 366 extremely hazardous substances in amounts in excess of threshold quantities established by EPA. The substances were identified in November 1985 by EPA in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance."

under the Occupational Safety and Health Act of 1970 (OSHA) had to submit the data sheets or a list of applicable chemicals to their state commission, local committee, and local fire department.[5] (The data sheets specify the chemical characteristics for each hazardous chemical designated for regulation in the workplace under OSHA.) On March 1, 1988, businesses were required to submit to their state commission, local committee, and local fire department their first annual chemical inventory form on the material safety data sheet chemicals.[6] As with the earlier deadline, preliminary estimates indicate compliance is low. According to EPA testimony, the information it received from states indicates that compliance with the October deadline is below 50 percent.[7] At the time of our review, more precise compliance data on the March deadline were not yet available.

The universe of businesses currently required to submit the inventory form is estimated by EPA at about 350,000. However, EPA officials expect that universe to increase substantially—to as high as 4.5 million—once the Occupational Safety and Health Administration expands standards of its worker right-to-know program coverage expected in the near future. These OSHA standards are the criteria used in title III to identify businesses subject to chemical inventory reporting requirements. It should be noted that these are different criteria than those used to identify the estimated 1.5 million businesses subject to the notification requirement.

SARA also requires businesses to submit to EPA and the state designee a toxic chemical release form containing information on releases during the previous year on July 1, 1988, and annually thereafter.[8] At the completion of our review, no information was available on compliance with

[5]SARA section 311 requires business facilities covered by the Occupational Safety and Health Administration Hazard Communication Standard (the worker right-to-know program) to submit an OSHA material safety data sheet for each such chemical, or list of such chemicals, to the state commission, local committee, and local fire department.

[6]SARA section 312 requires business facilities to submit an emergency and hazardous chemical inventory form to the state commission, local committee, and local fire department on all chemicals for which they are required to submit a material safety data sheet.

[7]Statement of J. Winston Porter, Assistant Administrator for Solid Waste and Emergency Response, EPA, before the Subcommittee on Superfund and Environmental Oversight, Committee on Environment and Public Works, U.S. Senate, May 26, 1988.

[8]SARA section 313 requires certain businesses—those that have 10 or more full-time employees, are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985), and manufactured, processed, or otherwise used a toxic chemical from a list of over 300 chemicals and 20 chemical categories at threshold quantities set in the law—to submit a toxic chemical release form to EPA and a state designee.

this deadline. It is the information in these reports that EPA is required to compile and maintain in a computer data base accessible to the public.

EPA Oversight of SARA Deadlines

EPA has not been centrally tracking the achievement of SARA deadlines, nor does SARA require a formal tracking system. Responsibility for carrying out the deadlines is spread throughout several EPA offices at headquarters and all of its regional offices. Recently, EPA acknowledged that it needed an agency focal point to ensure a timely response to congressional deadline inquiries. Expressly for this purpose, in May 1988, it established a central data base of all the statutory deadlines imposed on EPA by SARA and other environmental laws.

EPA has taken steps to help other federal entities, states and localities, and industry implement their SARA-deadlined tasks. EPA convenes representatives of federal entities subject to certain SARA deadlines to assist them in complying. In addition, EPA gathers data on the progress states and localities are making to implement title III. EPA also has some information on states' estimates of compliance by businesses with title III notification and reporting requirements. However, EPA testified that it believes it is industry's responsibility to ensure compliance with title III and to participate actively with the state commissions and local committees to ensure the effectiveness of the program.

Oversight of EPA's Deadlines in the Law

EPA has no formal internal control system in place to assure the achievement of the deadlines in SARA. EPA has recently established an information system on legislatively mandated deadlines, but is not using it effectively to achieve compliance. Within EPA, SARA deadlines are being carried out by the Offices of Solid Waste and Emergency Response, Pesticides and Toxic Substances, Air and Radiation, Research and Development, and the Inspector General, and in all 10 regional offices. EPA's data base of legislated deadlines was created to consolidate information from the various agency units to respond better to congressional inquiries.

When we began our work, EPA could not provide us with a list of its own SARA deadlines. After we developed the catalog of SARA deadlines and identified those imposed on EPA, it often was necessary to contact several EPA offices, divisions, and branches to determine the status of the deadline. For example, in the Office of Solid Waste and Emergency Response, which has several program offices doing work on SARA deadlines, including the Superfund office, we were directed to the individual

program offices, which, in turn, referred us to their operating division for information on the status of individual deadlines.

As we noted earlier in this chapter, the program manager responsible for EPA's mandated annual report to the Congress on the progress of Superfund implementation brought to our attention the lack of such central oversight as a major reason that the report was not completed on time.

In a February 3, 1988, memorandum to EPA's assistant administrators, the Director, Office of Legislative Analysis, requested verification of and an update on all of EPA's statutory deadlines for the purpose of establishing a central data base of EPA's progress in meeting legislated deadlines in SARA and other laws. The memorandum stated that EPA had not been able to provide adequate answers to congressional inquiries on its progress on deadlines and that this problem arose because there was no single source of information about the agency's statutory deadlines. He said the data base was operational as of May 1988 and will be updated annually.

According to the Director, the data base EPA has put in place contains, for each of approximately 800 deadlines, the date the deadlined task was completed or is expected to be completed. It does not contain explanations for missed deadlines or expected delays. No periodic reporting to the Administrator is planned at this time. The data base was not designed to encourage better compliance with the deadlines. In his memorandum, the Director states

"Developing a deadlines database is not intended to change the way program offices set priorities with respect to meeting deadlines. Our purpose is to enable the Agency to be responsive to Congressional inquiries about deadlines and, over time, to be more effective in making future deadlines more reasonable."

In addition to its use as an internal control technique for improving compliance, EPA's deadline data base could be used to assist congressional oversight. Each year EPA issues to the Congress a number of reports on its activities, including, as discussed above, the report on Superfund implementation required by SARA. EPA does not include in these reports complete information on deadline compliance, even though the reports offer an opportunity to comprehensively inform large congressional audiences. Without such reporting, the Congress will continue to be informed of progress in meeting deadlines on an ad hoc, piecemeal basis, if at all.

Oversight of Deadlines for Other Federal Entities' Activities

EPA has taken some steps to help other agencies implement SARA. For example, EPA established the Federal Facilities Compliance Task Force to focus attention on federal facilities that have contaminated property that may need Superfund cleanup. This task force, according to recent EPA testimony,[9] became a permanent organization within the Office of Waste Programs Enforcement to monitor compliance with environmental laws at federal facilities. Also, EPA's Office of Inspector General meets with inspectors general of all other federal agencies that receive Superfund money regarding annual audit requirements in SARA. The purposes of the Inspectors General Work Group include ensuring that all involved agency inspectors general are aware of requirements in the law and coordinating annual reports to the Congress.

Oversight of States, Localities, and Businesses

As we discussed earlier, compliance by states and localities has been progressing, and, although all states and localities are not meeting all of the deadlines, we have been told that they are working to achieve the mandates. Under a grant by EPA, the National Governors' Association is helping states to implement the act and compiling information on state and local compliance. EPA regional offices are also collecting data directly from the states on actual progress states and localities are making to fulfill their responsibilities for title III. In addition, EPA told the Congress that it will work with other federal agencies to assist state commissions and local committees in improving the local emergency plans in the subsequent updates and revisions called for in the law.

A February 25, 1988, draft report, "Title III White Paper," prepared by EPA deputy regional administrators, discusses problems with and solutions for title III implementation from a regional and state perspective. The paper, based on responses from all regions and 20 states to a questionnaire survey to obtain representative national information, states that the public looks to EPA to ensure safeguards for protection of its health and the environment. However, the paper continues, under EPA's current approach, the EPA deputy regional administrators do not believe adequate information on the location and release of hazardous substances will be available to protect public health and the environment for many years. Regional management cites lack of compliance by businesses as the fundamental problem and attributes it, in part, to purposeful noncompliance. However, the larger reason for noncompliance,

[9]Statement of J. Winston Porter, Assistant Administrator for Solid Waste and Emergency Response, EPA, before the Subcommittee on Investigations and Oversight, Committee on Energy and Commerce, U.S. House of Representatives, June 20, 1988.

according to regional management, is the lack of knowledge of the requirements, particularly by small businesses, and businesses' confusion over requirements.

To communicate to industry its responsibilities under SARA, EPA has undertaken outreach efforts both directly and through sponsorship of and participation in the National Governors' Association's and industry's outreach activities. EPA plans to continue to compile information on businesses that comply with the title III notification and reporting deadlines. Estimates of potential compliers reach into the millions, while estimated rates of compliance are low and differ markedly from state to state. EPA, state representatives, and industry representatives agree that it will take several years to bring businesses into compliance with the various reporting requirements.

In May 1988, an EPA official testified that title III is not a typical federal regulatory program and that the Congress, in crafting SARA, recognized that responsibility for implementation rests with state and local governments.[10] He said that local government's role is to take the lead in carrying out emergency planning, community right-to-know, and response functions and that it is the responsibility of industry to ensure compliance with title III reporting requirements and to participate actively with state commissions and local committees to ensure the effectiveness of title III, especially at the local level.

With regard to enforcement, the official told the Congress that EPA plans to identify businesses that fail to submit the toxic release forms that EPA needs to compile its mandated, nationwide data base of chemical releases. EPA will identify companies likely to be subject to this requirement, check these companies against the list of those who reported, conduct inspections at business facilities that failed to report, and penalize nonreporters. However, he testified, EPA believes that states and localities have the primary responsibility for enforcing industry compliance with the other SARA deadlines imposed on business facilities.

Conclusions

About half of the 87 deadlines we examined have been or will be missed. This includes 23 EPA deadlines, 12 that fall to other federal entities, 5 for states and localities, and 6 for industry. The federal program managers

[10]Statement of J. Winston Porter, Assistant Administrator for Solid Waste and Emergency Response, EPA, before the Subcommittee on Superfund and Environmental Oversight, Committee on Environment and Public Works, U.S. Senate, May 26, 1988.

we spoke with frequently attributed delays to the inadequate resources given to the deadlines. State and local compliance difficulties appear, for the most part, to be start up problems associated with implementing a new program. However, problems with industry compliance may be more serious, as estimates of its compliance are low. EPA, states, and industry agree that it may be years before general compliance is achieved. Current low compliance with the disclosure requirements by industry makes continued EPA monitoring advisable.

Missing some of those deadlines may have serious consequences, including placing human health and the environment in jeopardy through needlessly prolonged exposure to damaging contaminants. At the very least, they prevent the environmental programs in SARA from progressing as quickly as the Congress intended. Further, delays in issuing mandated reports to the Congress postpone achieving the oversight goals the Congress set for itself. Any subsequent legislative action arising from issues identified in those reports will also be delayed.

By establishing a central data base of its deadlines, EPA has, we believe, taken an important first step to improve the likelihood of achieving its future deadlines. However, because EPA is not including reasons for missing deadlines nor issuing periodic compliance reports to the Administrator, it is missing an opportunity to make the data base a useful internal control technique. Better controls, such as closer monitoring by the EPA Administrator, will, in our opinion, promote compliance with deadlines by focusing agency attention and emphasizing management's commitment and may result in needed actions being suggested to increase compliance. Providing this information in EPA's annual congressional reporting would also enable EPA to more fully inform the Congress on the progress being made to achieve the deadlines in SARA. We also believe such changes may have merit for EPA's other environmental statutes, given the approximately 800 deadlines on legislative requirements EPA has identified.

Recommendations to EPA's Administrator

To promote timely implementation of future requirements in SARA, we recommend that the Administrator, EPA, direct

- managers to include information on the reasons why SARA deadlines were missed or are expected to be missed as part of updates to the deadlines data base recently established by the Office of Legislative Analysis and

- the Office of Legislative Analysis to report regularly to the Administrator on the status of compliance with the SARA deadlines and that this information be included in EPA's annual reporting to the Congress.

  As part of this effort, the Administrator should consider the appropriateness of requiring similar information and reporting on EPA's deadlines in other environmental laws. Such information could facilitate EPA's efforts to prioritize its work load within its resource limitations.

Deadlines in the Superfund Amendments and Reauthorization Act of 1986

This catalog specifies/describes the status of compliance with deadlines occurring through August 15, 1988, and the likelihood of compliance with deadlines occurring from that date through March 31, 1989. The assumptions we made in compiling this catalog are presented in detail in ch. 1.

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
11/17/86	Transportation	List and regulate as hazardous under the Hazardous Materials Transportation Act each substance designated as hazardous under CERCLA.	202(a)	11/21/86	No
	EPA	Publish a list of extremely hazardous substances to be subject to emergency planning and notification requirements of title III.	302(a)(2)	11/17/86	Yes
	EPA	Publish an interim final regulation establishing a threshold planning quantity for each substance on the list of extremely hazardous substances published under section 302(a)(2).	302(a)(3)(A)(i)	11/17/86	Yes
	EPA	Initiate rulemaking to publish final regulations establishing a threshold planning quantity for each substance on the list of extremely hazardous substances published under section 302(a)(2).	302(a)(3)(A)(ii)	11/17/86	Yes
	EPA	Initiate a review of existing emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances from facilities that produce, use, or store such substances.	305(b)(1)	10/31/86	Yes
12/17/86	Labor	Issue interim final regulations for the protection of workers employed by contractors and emergency response workers engaged in hazardous substance cleanup.	126(e)	12/16/86	Yes[a]
12/31/86	EPA	Issue final regulations establishing reportable quantities for hazardous substances for which proposed regulations establishing reportable quantities were published in the Federal Register on or before 3/31/86.	102(a)	09/29/86	Yes
	EPA	Publish proposed regulations establishing reportable quantities for all hazardous substances for which proposed regulations establishing reportable quantities were not published in the Federal Register on or before 3/31/86.	102(a)	03/16/87	No

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
01/17/87	EPA	Develop and implement procedures for notifying state and local officials as soon as practicable after a site is included on the NPL of payment limitations for response costs at such sites.	111(h)	November 1988	No
	EPA	Make a grant of $7,500,000 to New Jersey for transportation and temporary storage of approximately 14,000 containers of radon-contaminated soil.	118(b)	01/15/87	Yes
	EPA	Publish the first annual solicitation for innovative or alternative hazardous substance treatment technologies at a stage of development suitable for full-scale demonstration at sites at which a response action may be taken.	209(b)	01/15/87	Yes
	EPA	Publish a uniform format for emergency and hazardous chemical inventory forms, to be submitted annually by private sector business facilities to the local emergency planning committee (LEPC), state emergency response commission (SERC), and local fire department.	312(g)	01/27/87	No
	EPA	Submit a plan to the Congress and the EPA Science Advisory Board for implementing the radon gas and indoor air quality research program.	403(d)	June 1987	No
02/01/87	EPA	Submit first annual report to the Congress on the status of the demonstration program to test methods and technologies of reducing or eliminating radon gas and radon decay products where they pose a threat to human health.	118(k)(2)(b)	06/12/87	No
02/15/87	EPA	Survey and report to the Congress on the extent of hazardous waste sites located on Indian lands. To be submitted with the President's budget request for fiscal year 1988.	207(e)	11/06/87	No
03/01/87	ATSDR	Study and report to the Congress on the nature and extent of lead poisoning in children caused by environmental sources.	118(f)	07/12/88	No
03/17/87	National Response Team	Publish guidance documents for preparing and implementing emergency plans for LEPCs.	303(f)	03/17/87	Yes
03/31/87	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (First of 20 such estimates.)	511(a)	03/31/87	Yes[b]

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
04/17/87	Interior	Issue regulations on the assessment of damages for injury to, or destruction or loss of, natural resources from a release of oil or a hazardous substance.	107(d)(3)	03/20/87	Yes
	EPA and ATSDR	Prepare a list, in order of priority, of at least 100 hazardous substances most commonly found at facilities on the NPL that pose the most significant potential threat to human health.	110	04/17/87	Yes
	EPA	Study and report to the Congress on the problems associated with using a vehicle for purposes other than the transportation of hazardous substances, when the vehicle is used at other times for the transportation of hazardous substances.	118(j)(1)	04/21/87	No
	Energy	Establish a program to test and evaluate technologies that may be used in responding to liquified gaseous and other hazardous substance spills at the Liquified Gaseous Fuels Spill Test Facility.	118(n)(1)	06/30/87	No
	State governors	Appoint a SERC that, to the extent practicable, includes persons who have technical expertise in the emergency response field.	301(a)	Unknown	No[c]
05/17/87	Business facilities	Notify the appropriate SERC that the facility is subject to the requirements of title III emergency planning and notification requirements if the business facility has on hand any of the extremely hazardous substances listed by EPA under section 302(a)(2) exceeding the threshold levels set by EPA for regulation.	302(c)	Unknown	No[d]
	EPA	Report to the Congress on the interim findings of a review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store hazardous substances.	305(b)(1)	05/17/87	Yes
06/01/87	EPA	Publish a uniform toxic chemical release form for reporting by business facilities covered by section 313 that manufactured, processed, or otherwise used during the preceding calendar year any of a specified list of toxic chemicals in excess of the threshold level set in the law.	313(g)	06/04/87	No
06/30/87	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Second of 20 such estimates.)	511(a)	06/30/87	Yes[b]

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
07/01/87	GAO	Study and report to the Congress on the problem of shortages of skilled personnel in EPA to carry out Superfund response actions.	118(d)	10/26/87	No
07/17/87	States	Compile and submit to EPA two separate inventories of all underground storage tanks containing regulated substances: one inventory with respect to petroleum and one with respect to other regulated substances.	205(b)	07/17/87	Yes[e]
	HHS (NIEHS)	Issue a plan for implementing a federal program to establish and support basic hazardous substance research and training.	209(b)	07/17/87	Yes
	SERCs	Designate emergency planning districts within the state in order to facilitate preparation and implementation of local emergency plans.	301(b)	Unknown	No[f]
08/17/87	SERCs	Appoint members of an LEPC for each emergency planning district within the state, including representatives of elected state and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; media; community groups; and owners and operators of regulated businesses.	301(c)	Unknown	No[g]
09/17/87	Business facilities	Appoint a representative who will participate in the emergency planning process as a facility emergency coordinator, if the business facility was subject to the section 302(c) notification requirement, and notify the LEPC of the appointment.	303(d)(1)	Unknown	No[h]
09/30/87	EPA	Initiate, or cause to be initiated, at least 10 field demonstration projects of alternative or innovative treatment technologies at sites at which a response action may be taken. (First of four such subsequent annual requirements.)	209(b)	09/15/87	Yes
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Third of 20 such estimates.)	511(a)	09/30/87	Yes[b]
10/17/87	ATSDR	Complete toxicological profiles for at least 25 of the initial 100 hazardous substances posing a threat to human health that EPA and ATSDR identified as the most hazardous found at NPL sites. (First of four such annual requirements.)	110	02/17/88	No

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	EPA	Issue regulations for the payment of health effects research costs by manufacturers and processors under the Toxic Substances Control Act and registrants under the Federal Insecticide, Fungicide, and Rodenticide Act.	110	n/a[a]	No
	EPA	Report to the Congress on a national assessment of radon gas, including identifying locations in the United States where radon is found, assessing the extent of the problem, and providing guidance and public information.	118(k)(1)	November 1988	No
	EPA	Issue procedures to reimburse local governments for expenses incurred in carrying out temporary emergency measures to protect human health and the environment from releases or threatened releases at a facility.	123(a)	10/21/87	No
	Labor	Issue standards for the health and safety protection of employees engaged in hazardous waste operations.	126(a)	October 1988	No
	GAO	Study and report to the Congress on the availability of insurance for individuals who may be liable for releases of hazardous substances into the environment.	208	10/16/87	Yes
	Business facilities	Submit a material safety data sheet (MSDS) for each such chemical, or a list of such chemicals, to the LEPC, SERC, and local fire department. Required for each business facility that is required to prepare an MSDS for a hazardous chemical under the Occupational Safety and Health Act of 1970.	311(d)(1)(A)	Unknown	No[b]
12/31/87	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Fourth of 20 such estimates.)	511(a)	12/31/87	Yes[b]
01/01/88	EPA	Complete, to the maximum extent practicable, a preliminary assessment of all facilities that are contained in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), as of 10/17/86, including identifying whether a site inspection is necessary and by whom it should be carried out. This date is a goal of SARA.	116	01/01/88	Yes
	EPA	Submit first annual report to the Congress on the progress achieved in implementing all the requirements of Superfund during the preceding fiscal year.	212	October 1988	No

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	Treasury	Study, in consultation with EPA and the International Trade Commission, and report to the House Ways and Means Committee and the Senate Finance Committee on the implementation of the tax imposed on imported substances under the Internal Revenue Code of 1986 and credit for exports of taxable substances under that code.	515(d)	December 1988	No
01/17/88	EPA	Issue final regulations for worker protection standards, identical to the Department of Labor regulations, for employees of state and local governments in each state that does not have an approved state plan in effect.	126(f)	December 1988	No
	GAO	Study and report to the Congress on the availability of pollution liability insurance, leak insurance, and contamination insurance for owners and operators of petroleum storage and distribution facilities.	205(h)(1)	01/15/88	Yes
	EPA	Publish the second annual solicitation for innovative or alternative hazardous substance treatment technologies at a stage of development suitable for full-scale demonstrations at sites at which a response action may be taken.	209(b)	01/15/88	Yes
02/01/88	EPA	Submit second annual report to the Congress on the status of the demonstration program to test methods and technologies of reducing or eliminating radon gas and radon decay products where they pose a threat to human health.	118(k)(2)(B)	November 1988	No
02/15/88	Federal agencies	Complete first annual review of alternative agency funding to provide for the costs of remedial actions and submit a statement of the hazard posed by the facilities, by each federal agency with facilities subject to interagency agreements for remedial action. The review is to be included in the annual budget submission to the Congress.	120(a)	n/a	Yes
	EPA	Submit first annual report to the Congress on the progress of the federal research, development, and demonstration program, including an evaluation of each demonstration project completed in the preceding fiscal year. To be submitted at the same time as the annual budget request.	209(b)	05/20/88	No

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
03/01/88	Business facilities	Prepare and submit a first annual emergency and hazardous chemical inventory form for the previous calendar year to the LEPC, SERC, and local fire department from each facility required to have an MSDS for a hazardous chemical under the Occupational Safety and Health Act of 1970.	312(a)(2)	Unknown	No[b]
03/31/88	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Fifth of 20 such estimates.)	511(a)	03/31/88	Yes[b]
04/17/88	EPA	Revise the National Contingency Plan portion entitled "National Hazardous Substance Response Plan" to provide procedures and standards for remedial actions consistent with the requirements of SARA.	105(b)	November 1988	No
	EPA	Issue a rule amending the Hazard Ranking System to ensure that it accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review.	105(b)	November 1988	No
	EPA	Take steps to assure that a preliminary assessment is conducted for each facility on the Federal Agency Hazardous Waste Compliance Docket.	120(a)	04/17/88	Yes
	EPA	Issue regulations in consultation with General Services Administration on the form of the notice required whenever any federal department, agency, or instrumentality enters into a contract to sell or transfer property owned by the United States on which a hazardous substance was stored, disposed, or released.	120(a)	November 1988	No
	EPA	Issue a final report to the Congress on the review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store hazardous substances.	305(b)(1)	06/06/88	No
04/30/88	EPA	Issue final regulations establishing reportable quantities of hazardous substances for which proposed regulations establishing reportable quantities were required by section 102(a) to be published on 12/31/86.	102(a)	December 1988	No

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
06/30/88	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Sixth of 20 such requirements.)	511(a)	06/30/88	Yes[b]
07/01/88	Business facilities	Submit the first annual toxic chemical release form to EPA and the state designee, reporting any of a specific list of chemicals manufactured, processed, or used in quantities exceeding the threshold level set in the law during the preceding calendar year, including, among other things, the quantity of each that was released into the environment.	313(a)	Unknown	No[h]
09/30/88	Federal agencies	Complete first annual audit and report to the Congress on all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year by the inspector general of each department, agency, or instrumentality carrying out authority under Superfund.	111(g)	9/30/88	Likely
	Federal agencies	Submit first annual report to the Congress from each federal department, agency, or instrumentality responsible for compliance with CERCLA, including progress regarding interagency agreements for conducting remedial investigations, feasibility studies, and remedial actions at federal facilities.	120(a)	09/30/88	Likely
	EPA	Initiate, or cause to be initiated, at least 10 field demonstration projects of alternative or innovative treatment technologies at sites at which a response action may be taken. (Second of four such subsequent annual requirements.)	209(b)	09/30/88	Likely
	Defense	Submit first annual report to the Congress on the progress in implementing Defense's Environmental Restoration Program during the preceding fiscal year.	211(a)	03/01/88	Yes
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Seventh of 20 such requirements.)	511(a)	09/30/88	Likely[b]
10/17/88	EPA	Implement the amended Hazard Ranking System for any new site or facility listed on the NPL.	105(b)	Spring 1989	Not likely

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	EPA and ATSDR	Revise the list of hazardous substances and include, in order of priority, an additional 100 or more hazardous substances posing the most significant threat to human health that are commonly found at NPL sites.	110	09/30/88	Likely
	ATSDR	Complete toxicological profiles for at least 25 of the initial 100 hazardous substances posing a threat to human health that EPA and ATSDR identified as the most hazardous found at NPL sites. (Second of four such annual requirements.)	110	December 1988	Not likely
	ATSDR	Prepare and submit the first biennial report to EPA and the Congress on the results of health-related activities, including assessments, studies, tests, and profiles.	110	December 1988	Not likely
	Federal agencies	Include, after this date, a notice in the contract when selling or transferring property owned by the United States on which a hazardous substance was stored, disposed, or released.	120(a)	May 1989	Not likely[k]
	Federal agencies	Include, after this date, in each deed entered into by the United States for the transfer of property information on the date, nature, and remediation of any hazardous substance that was stored, disposed, or released on the property and warrant that the United States will be responsible for additional remedial action if needed.	120(a)	Unknown	Not likely
	Labor	Implement the final regulations that were to have been issued on 10/17/87, regarding standards for the health and safety protection of employees engaged in hazardous waste operations.	126(c)	October 1989	Not likely
	LEPCs	Complete preparation of an emergency plan, with specific, detailed provisions for identifying and handling emergencies within the emergency planning district.	303(a)	Unknown	Not likely[l]
	EPA	Report to the Congress on the status of activities conducted under the radon gas and indoor air quality research program.	403(e)	12/31/88	Not likely
12/10/88	ATSDR	Perform health assessments for each facility proposed for inclusion on the NPL prior to 10/17/86.	110	12/10/88	Likely
12/31/88	LEPCs	Publish the first annual notice in local newspapers that the emergency response plan, MSDS, and inventory forms have been submitted as required and state the location where the public can review such plans, sheets, forms, and follow-up notices.	324(b)	Unknown	Not likely[l]

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Eighth of 20 such requirements.)	511(a)	12/31/88	Likely[b]
01/01/89	EPA	Assure, to the maximum extent practicable, the completion of site inspections at all CERCLIS facilities for which the preliminary assessment indicated a site inspection is needed. This date is a goal of SARA.	116	Several years	Not likely
	EPA	Submit second annual report to the Congress on the progress achieved in implementing all the requirements of Superfund during the preceding fiscal year.	212	01/01/89	Likely
01/17/89	EPA	Publish the third annual solicitation for innovative or alternative hazardous substance treatment technologies at a stage of development suitable for full-scale demonstrations at sites at which a response action may be taken.	209(b)	01/17/89	Likely
02/01/89	EPA	Submit third annual report to the Congress on the status of the demonstration program to test methods and technologies of reducing or eliminating radon gas and radon decay products where they pose a threat to human health.	118(k)(2)(B)	02/01/89	Likely
02/15/89	Federal agencies	Complete second annual review of alternative agency funding to provide for the costs of remedial actions and submit a statement of the hazard posed from the facilities, by each federal agency with facilities subject to interagency agreements for remedial action. The review is to be included in the annual budget submission to the Congress.	120(a)	02/15/89	Likely
	EPA	Submit second annual report to the Congress on the progress of the federal research, development, and demonstration program, including an evaluation of each demonstration project completed in the preceding fiscal year. To be submitted at the same time as the annual budget request.	209(b)	02/15/89	Likely
03/01/89	Business facilities	Prepare and submit a second annual emergency and hazardous chemical inventory form for the previous calendar year to the LEPC, SERC, and local fire department from each facility required to have an MSDS for a hazardous chemical under the Occupational Safety and Health Act of 1970.	312(a)(2)	Unknown	Not likely[h]

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
03/31/89	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Ninth of 20 such requirements.)	511(a)	03/31/88	Likely[b]
04/17/89	EPA	Complete an evaluation in accordance with the National Contingency Plan for each federal facility on the Federal Agency Hazardous Waste Compliance Docket for which prior assessment indicated that further evaluation was needed. List on the NPL each facility meeting the criteria under the Plan.	120(a)		**Note: We did not obtain compliance information on deadlines occurring after 03/31/89.**
06/30/89	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Tenth of 20 such requirements.)	511(a)		
07/01/89	Business facilities	Submit the second annual toxic chemical release form to EPA and the state designee, reporting any of a specific list of chemicals manufactured, processed, or used in quantities exceeding the threshold level set in the law during the preceding calendar year, including, among other things, the quantity of each that was released into the environment.	313(a)		
09/30/89	Federal agencies	Complete second annual audit and report to the Congress on all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year by the inspector general of each department, agency, or instrumentality carrying out authority under Superfund.	111(g)		
	GAO	Study and report to the Congress on indemnification of response action contractors for fiscal year 1989, including determining whether indemnification agreements are being used and the number of claims that have been filed under such agreements.	119(c)(8)		
	Federal agencies	Submit second annual report to the Congress by each department, agency, or instrumentality responsible for compliance with CERCLA, including progress regarding interagency agreements for conducting remedial investigations, feasibility studies, and remedial actions at federal facilities.	120(a)		

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SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	EPA	Initiate, or cause to be initiated, at least 10 field demonstration projects of alternative or innovative treatment technologies at sites at which a response action may be taken. (Third of four such subsequent annual requirements.)	209(b)		
	Defense	Submit second annual report to the Congress on the progress in implementing Defense's Environmental Restoration Program during the preceding fiscal year.	211(a)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Eleventh of 20 such requirements.)	511(a)		
10/17/89	States	Certify that the state has adequate disposal capacity, in compliance with RCRA, for hazardous wastes generated by the state during the next 20 years, as a condition for receiving federal Superfund money for cleanups.	104(k)		
	EPA and ATSDR	Revise the list of hazardous substances and include, in order of priority, the addition of not fewer than 25 hazardous substances in each of the 3 consecutive 12-month periods beginning 10/17/89. (First such revision.)	110		
	ATSDR	Complete toxicological profiles for at least 25 of the initial 100 hazardous substances posing a threat to human health that EPA and ATSDR identified as the most hazardous found at NPL sites. (Third of four such annual requirements.)	110		
	EPA	Assure commencement of not fewer than 275 remedial investigations and feasibility studies for facilities listed on the NPL, in addition to those begun prior to 10/17/86.	116		
	EPA	Assure that substantial and continuous physical on-site remedial action commences at not fewer than 175 facilities on the NPL, in addition to those facilities at which remedial action began prior to 10/17/86.	116		
	LEPCs	Complete first annual review and revision, if needed, of the emergency plan with specific, detailed provisions for identifying and handling emergencies within the emergency planning district.	303(a)		

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SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
12/31/89	LEPCs	Publish the second annual notice in local newspapers that the emergency response plan, MSDS, and inventory forms have been submitted as required and state the location where the public can review such plans, sheets, forms, and follow-up notices.	324(b)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Twelfth of 20 such requirements.)	511(a)		
01/01/90	EPA	Submit third annual report to the Congress on the progress achieved in implementing all the requirements of Superfund during the preceding fiscal year.	211(a)		
01/17/90	EPA	Publish the fourth annual solicitation for innovative or alternative hazardous substance treatment technologies at a stage of development suitable for full-scale demonstrations at sites at which a response action may be taken.	209(b)		
02/01/90	EPA	Submit fourth annual report to the Congress on the status of the demonstration program to test methods and technologies of reducing or eliminating radon gas and radon decay products where they pose a threat to human health.	118(k)(2)(B)		
02/15/90	Federal agencies	Complete third annual review of alternative agency funding to provide for the costs of remedial actions and submit a statement of the hazard posed from the facilities by each federal agency with facilities subject to interagency agreements for remedial action. To be included in the annual budget submission to the Congress.	120(a)		
	EPA	Submit third annual report to the Congress on the progress of the federal research, development, and demonstration program, including an evaluation of each demonstration project completed in the preceding fiscal year. To be submitted at the same time as the annual budget request.	209(b)		
03/01/90	Business facilities	Prepare and submit a third annual emergency and hazardous chemical inventory form for the previous calendar year to the LEPC, SERC, and local fire department from each facility required to have an MSDS for a hazardous chemical under the Occupational Safety and Health Act of 1970.	312(a)(2)		

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SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
03/31/90	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Thirteenth of 20 such requirements.)	511(a)		
06/30/90	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Fourteenth of 20 such requirements.)	511(a)		
07/01/90	Business facilities	Submit the third annual toxic chemical release form to EPA and the state designee, reporting any of a specific list of chemicals manufactured, processed, or used in quantities exceeding the threshold level set in the law during the preceding calendar year, including, among other things, the quantity of each that was released into the environment.	313(a)		
09/30/90	Federal agencies	Complete third annual audit and report to the Congress on all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year by the inspector general of each department, agency, or instrumentality carrying out authority under Superfund.	111(g)		
	Federal agencies	Submit third annual report to the Congress by each federal department, agency, or instrumentality responsible for compliance with CERCLA, including progress regarding interagency agreements for conducting remedial investigations, feasibility studies, and remedial actions at federal facilities.	120(a)		
	EPA	Initiate, or cause to be initiated, at least 10 field demonstration projects of alternative or innovative treatment technologies at sites at which a response action may be taken. (Fourth of four such subsequent annual requirements.)	209(b)		
	Defense	Submit third annual report to the Congress on the progress in implementing Defense's Environmental Restoration Program during the preceding fiscal year.	211(a)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Fifteenth of 20 such requirements.)	511(a)		

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
10/17/90	EPA and ATSDR	Revise the list of hazardous substances and include, in order of priority, the addition of not fewer than 25 hazardous substances in each of the 3 consecutive 12-month periods beginning 10/17/88. (Second such revision.)	110		
	ATSDR	Complete toxicological profiles for 25 of the initial 100 hazardous substances posing a threat to human health that EPA and ATSDR identified as the most hazardous found at NPL sites. (Fourth of four such annual requirements.)	110		
	ATSDR	Prepare and submit the second biennial report to EPA and the Congress on the results of health-related activities including assessments, studies, tests, and profiles.	110		
	EPA	Assure commencement of not fewer than an additional 175 remedial investigations and feasibility studies for facilities listed on the NPL.[m]	116		
	EPA	Evaluate each facility listed as of 10/17/86 in CERCLIS in accordance with the National Contingency Plan if a prior site inspection or preliminary assessment indicates that further evaluation is warranted.	116		
	LEPCs	Submit second annual review and revision, if needed, of the emergency plan with specific, detailed provisions for identifying and handling emergencies within the emergency planning district.	303(a)		
12/31/90	LEPCs	Publish the third annual notice in local newspapers that the emergency response plan, MSDS, and inventory forms have been submitted as required and state the location where the public can review such plans, sheets, forms, and follow-up notices.	324(b)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Sixteenth of 20 such requirements.)	511(a)		
01/01/91	EPA	Submit fourth annual report to the Congress on the progress achieved in implementing all the requirements of Superfund during the preceding fiscal year.	212		

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
01/17/91	EPA	Publish the fifth annual solicitation for innovative or alternative hazardous substance treatment technologies at a stage of development suitable for full-scale demonstrations at sites at which a response action may be taken.	209(b)		
02/01/91	EPA	Submit fifth annual report to the Congress on the status of the demonstration program to test methods and technologies of reducing or eliminating radon gas and radon decay products where they pose a threat to human health.	118(K)(2)(B)		
02/15/91	Federal agencies	Complete fourth review of alternative agency funding to provide for the costs of remedial actions and a statement of the hazard posed from the facilities by each federal agency with facilities subject to interagency agreements for remedial action. To be included in the annual budget submission to the Congress.	120(a)		
	EPA	Submit fourth annual report to the Congress on the progress of the federal research, development, and demonstration program, including an evaluation of each demonstration project completed in the preceding fiscal year. To be submitted at the same time as the annual budget request.	209(b)		
03/01/91	Business facilities	Prepare and submit the fourth annual emergency and hazardous chemical inventory form for the previous calendar year to the LEPC, SERC, and local fire department by each facility required to have an MSDS for a hazardous chemical under the Occupational Safety and Health Act of 1970.	312(a)(2)		
03/31/91	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Seventeenth of 20 such requirements.)	511(a)		
06/30/91	GAO	Report to the Congress on results of a review of EPA and state implementation efforts to make information in the toxic chemical release forms available to the public, including a description of the extent the information was used and options to modify information collected.	313(k)		

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Eighteenth of 20 such requirements.)	511(a)		
07/01/91	Business facilities	Submit the fourth annual toxic chemical release form to EPA and the state designee, reporting any of a specific list of chemicals manufactured, processed, or used in quantities exceeding the threshold level set in the law during the preceding calendar year, including, among other things, the quantity of each that was released into the environment.	313(a)		
09/30/91	Federal agencies	Complete fourth annual audit and report to the Congress on all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year by the inspector general of each department, agency, or instrumentality carrying out authority under Superfund.	111(g)		
	Federal agencies	Submit fifth annual report to the Congress from each federal department, agency, or instrumentality responsible for compliance with CERCLA, including progress regarding interagency agreements for conducting remedial investigations, feasibility studies, and remedial actions at federal facilities.	120(a)		
	Defense	Submit fourth annual report to the Congress on the progress in implementing Defense's Environmental Restoration Program during the preceding fiscal year.	211(a)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Nineteenth of 20 such requirements.)	511(a)		
10/17/91	EPA and ATSDR	Revise the list of hazardous substances and include, in order of priority, the addition of not fewer than 25 hazardous substances in each of the 3 consecutive 12-month periods beginning 10/17/88. (Third such revision.)	110		
	ATSDR	Complete toxicological profiles on the additional 100 hazardous substances that were required to be listed by EPA and ATSDR on 10/17/88 under this section.	110		

(continued)

SARA deadline	Responsible entity	Required action	SARA section	Actual or estimated completion date	Met or likely to meet deadline
	EPA	Assure commencement of not fewer than an additional 200 remedial investigations and feasibility studies for facilities listed on the NPL.[m]	116		
	EPA	Assure that substantial and continuous physical on-site remedial action commences at not fewer than 200 additional facilities on the NPL in addition to those facilities on which remedial action began prior to 10/17/86. (In addition to the 175 sites required to be started by 10/17/89.)	116		
	LEPCs	Complete third annual review and revision, if needed, of the emergency plan with specific, detailed provisions for identifying and handling emergencies within the emergency planning district.	303(a)		
	EPA	Collect mass balance information from states during the 5 years beginning 10/17/86 for inclusion in a National Academy of Sciences' mass balance study.	313(l)(3)(A)		
	EPA	Arrange for a mass balance study, to be conducted by the National Academy of Sciences, using mass balance information collected by EPA from the states and report the results of this study to the Congress.	313(l)		
12/31/91	LEPCs	Publish the fourth annual notice in local newspapers that the emergency response plan, MSDS, and inventory forms have been submitted as required and state the location where the public can review such plans, sheets, forms, and follow-up notices.	324(b)		
	Treasury	Estimate at the close of the calendar quarter the amount of taxes that will be collected under Superfund taxing authority and credited to the Hazardous Substance Superfund between 1/1/87 and 12/31/91. (Twentieth of 20 such requirements.)	511(a)		
	Treasury	Repay all advances previously made to the Hazardous Substance Superfund. No further advances may be made.	517(a)		

[a]Labor filed the regulations with the Federal Register on December 16, 1986. They were published on December 19, 1986.

[b]Treasury computes this estimate monthly.

[c]The National Governors' Association reported that 47 states had established a SERC as of May 4, 1987.

[d]According to an EPA survey, states' estimates of businesses that complied range from 5 to 70 percent, as of February 1988.

[e]According to an environmental protection specialist in EPA's Office of Underground Storage Tanks, all states submitted the required inventories to EPA by the deadline.

[f]The National Governors' Association reports that 49 states and 1 territory met this deadline.

[g]EPA testified in July 1988 that 3,000 LEPCs have been formed and more are in the process of forming.

[h]EPA, state representatives, and industry representatives agree that it will take several years to bring businesses into compliance with SARA's requirements.

[i]Not applicable. EPA determined that existing regulations were sufficient; it does not plan to issue regulations in response to this directive.

[j]Not applicable. During the subject review period, only one interagency agreement for remedial action was in place. This was at a Defense site. Because Defense has line item funding for cleanup through its Environmental Restoration Program, identifying alternative funding sources was not necessary.

[k]Regulations governing the notice are expected to be issued in November 1988. The implementation date—this deadline—will occur 6 months after the regulations are issued.

[l]Because businesses will not have fully complied with notification and reporting requirements, LEPCs will not have complete information.

[m]EPA is subject to this deadline if it fails to assure that remedial investigations and feasibility studies commenced at 275 NPL sites by November 17, 1989.

Appendix II

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